**THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION No. 17429 OF 1998**

**Dated 14th March, 2007**

Between:

Mohd. Nuruddin

…Petitioner

And

Sri Syamalamba Ammavari Devasthanam,
Kaikalur, represented by its Executive
Officer, Kaikalur, Krishna District and another.

…Respondents.

**ORAL ORDER:**

In this writ petition, the petitioner has questioned the auction notice issued by the 2nd respondent dated 25.5.1998 to auction the leasehold rights of the agricultural land admeasuring Ac.7.62 cents in R.S.No.84 situated at Kaikalur village, Krishna District.

The only question raised in the writ petition is that as much as petitioner is the statutory tenant as per the provisions of the Andhra Pradesh (Andhra Area Tenancy) Act, 1956 (Act No. 18 of 1956), the subject land cannot be auctioned unless he is duly evicted as per the provisions of the Tenancy Act. But, however, by virtue of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, lease of agricultural land belonging to or given or endowed for the purpose of any institution or endowment subsisting on the date of commencement of the said Act, notwithstanding anything in any other law for the time being in force, held by a person who is not a landless poor person stands cancelled. Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 was subject matter of challenge before the Supreme Court on the ground that it runs contrary to the provisions of the Andhra Pradesh (Andhra Area Tenancy) Act, and, the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act (21 of 1950) in **State of Andhra Pradesh v. Nallamilli Rami Reddi**[1], and the Honourable Supreme Court upheld the constitutional validity of Section 82. In that view of the matter, I do not find any illegality in the impugned notification warranting grant of relief as prayed for in the writ petition.

The writ petition is devoid of merits and is, therefore,

dismissed. However, it is open to the respondents to take steps in accordance with Section 82 of the Act for extension of benefit under Section 82 if the petitioner is a landless poor person. No costs.

**14.3.2007** **R.SUBHASH REDDY, J.**
**VR**

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[1] AIR 2001 SC 3616